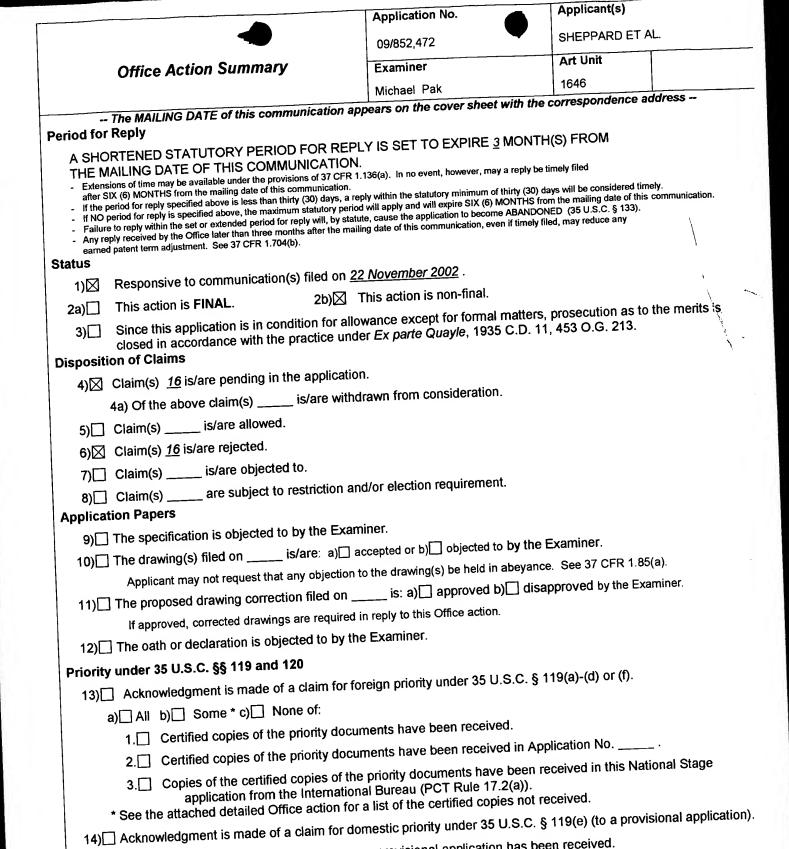


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	
09/852,472	05/10/2001	Paul O. Sheppard	ATTORNET DOCKET NO.	CONFIRMATION NO.
			97-28C1	6027
7:	590 03/24/2003			
Paul G. Lunn,	Esq.			
ZymoGenetics, Inc. 1201 Eastlake Avenue East Seattle, WA 98102			EXAMINER PAK, MICHAEL D	
			ART UNIT	PAPER NUMBER
			1646	
			DATE MAILED: 03/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.



1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)

Attachment(s)

6) Other:

a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

4) Interview Summary (PTO-413) Paper No(s).

5) Notice of Informal Patent Application (PTO-152)

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DETAILED ACTION

Applicant's election without traverse of Group II in Paper No. 7 is acknowledged.

2. Preliminary amendment filed 27 November 2002 (Paper No. 7) has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a substantial asserted utility or a well established utility.

The claims are directed to Zneu1 polypeptide which is an orphan neuro-growth factor. The claimed polypeptides do not have well established utility because different growth factors with similar homology have different functions and the a skilled artisan would have to determine the function of the growth factor. The claimed polypeptides do not have substantial utility because the skilled artisan would need to prepare, isolate, and analyze the protein in order to determine its function and use. Therefore, the invention is not in readily available form. Instead, further experimentation of the protein itself would be required before it could be used.

Claim 16 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a substantial asserted utility or a



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well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

- 4. No claims are allowed.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 8:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Hichard 1). PAK Michael Pak

Patent Examiner

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16 March 2003